

09/045,036



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/045,036 03/20/98 WALKER

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TM02/0927

EXAMINER

YOUNG, T.

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

09/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/045,036

Applicant(s)
Walker et al.

Examiner
John Young

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2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 20, 1998
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5 & 7 20) ☐ Other:

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STATUS OF THE CLAIMS

1. Claims 1-36 are pending.

DRAWING OBJECTIONS

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Independent claims 1, 6, 11-13 & 17, 21-24 and dependent claims 2-5, 7-10, 14-16, 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Storch 5,548,110 (8/20/1996) (herein referred to as "Storch") in view of Roberts 5,772,510 (6/30/1998) [US f/d: 10/26/1995] (herein referred to as "Roberts") and further in view of "Heads I win, tails you lose." The Economist (13 June 1992) v. 323, p. 74 (herein referred to as "The Economist").

As per claim 1, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest:

A method for facilitating the purchase of fractional lottery tickets using a point-of-sale terminal, comprising: determining a monetary value; allocating a portion of a ticket, the portion being based on the monetary value; outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket; and storing the ticket identifier and the portion identifier.

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Storch lacks an explicit recitation of: “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies the allocated portion of the ticket. . . .”

Roberts proposes ticket identifier modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

Storch lacks an explicit recitation of: “determining a monetary value. . . .”

The Economist (p. 1) shows elements that suggest “determining a monetary value. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The

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Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 2, Storch in view of Roberts and further in view of The Economist shows the method of claim 1. (See the rejection of claim 1 supra).

Storch lacks an explicit recitation of: “determining a monetary value based on an amount of change due for a purchase. . . .”

The Economist (p. 1) shows elements that suggest “determining a monetary value based on an amount of change due for a purchase. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 3, Storch in view of Roberts and further in view of The Economist shows the method of claim 1. (See the rejection of claim 1 supra).

Storch lacks an explicit recitation of: “selecting the ticket from a plurality of tickets. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

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Roberts (FIG. 6A & FIG. 6B) shows elements that suggest “selecting the ticket from a plurality of tickets. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

As per claim 4, Storch in view of Roberts and further in view of The Economist shows the method of claim 3. (See the rejection of claim 3 supra).

Storch lacks an explicit recitation of: “selecting the ticket having an unallocated portion at least as great as the monetary value. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “selecting the ticket having an unallocated portion at least as great as the monetary value. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and

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method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

As per claim 5, Storch in view of Roberts and further in view of The Economist shows the method of claim 3. (See the rejection of claim 3 supra).

Storch lacks an explicit recitation of: “determining a set of tickets that each have an unallocated portion at least as great as the monetary value; and selecting a ticket from the set of tickets which has a minimal unallocated portion. . . .” even though Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) suggests the same.

Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “determining a set of tickets that each have an unallocated portion at least as great as the monetary value; and selecting a ticket from the set of tickets which has a minimal unallocated portion. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

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Claims 6, 11 & 12 are rejected for substantially the same reasons as claim 1.

Claim 7 is rejected for substantially the same reasons as claim 2.

Claim 8 is rejected for substantially the same reasons as claim 3.

Claim 9 is rejected for substantially the same reasons as claim 4.

Claim 10 is rejected for substantially the same reasons as claim 5.

As per claim 13, Storch (FIG. 1; FIG. 2; FIG. 22; FIG. 24; FIG. 25; FIG. 28; FIG. 29; FIG. 31; FIG. 32; FIG. 34; FIG. 50; col. 6, ll. 26-48; col. 8, ll. 17-40; col. 13, ll. 27-30; col. 70, ll. 50-64; and col. 132, ll. 33-50) shows elements that suggest: A method for facilitating the purchase of fractional lottery tickets using a point-of-sale terminal, comprising: determining a monetary value . . . allocating at least a portion of the selected ticket, the portion being based on the monetary value. . . .”

Storch lacks an explicit recitation of: “determining an amount of change due for a purchase; determining a monetary value based on the amount of change due; selecting a ticket from a plurality of tickets, the selected ticket having an unallocated portion at least as great as the monetary value; allocating at least a portion of the selected ticket, the portion being based on the monetary value; outputting a ticket identifier that identifies the

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ticket and a portion identifier that identifies the allocated portion of the selected ticket; and storing the ticket identifier and the portion identifier.”

The Economist (p. 1) shows elements that suggest “determining an amount of change due for a purchase; determining a monetary value based on the amount of change due. . . .”

The Economist proposes monetary determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

Roberts (FIG. 6A & FIG. 6B) shows elements that suggest “selecting a ticket from a plurality of tickets. . . .”

Roberts (FIG. 2A; FIG. 5; & FIG. 8A) shows elements that suggest “the selected ticket having an unallocated portion at least as great as the monetary value. . . .”

Roberts proposes ticket selection modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means “for dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 2, ll. 59-60)).

Roberts (FIG. 2B, el. 20b; and col. 4, ll. 5-65) shows elements that suggest “outputting a ticket identifier that identifies the ticket and a portion identifier that identifies

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the allocated portion of the selected ticket . . . and storing the ticket identifier and the portion identifier. . . .”

Roberts proposes ticket identifier modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Roberts with the system and method of Storch because such combination would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

As per claim 14, Storch in view of Roberts and further in view of The Economist shows the method of claim 13. (See the rejection of claim 13 supra).

Storch lacks an explicit recital of “rounding the amount of change due to a predetermined multiple, thereby generating a rounded change amount; and setting the monetary value equal to the rounded change amount.”

The Economist (p. 1) shows elements that suggest “rounding the amount of change due to a predetermined multiple, thereby generating a rounded change amount; and setting the monetary value equal to the rounded change amount.”

The Economist proposes change rounding determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The

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Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 15, Storch in view of Roberts and further in view of The Economist shows the method of claim 14. (See the rejection of claim 14 supra).

Storch lacks an explicit recital of “rounding down the amount of change due to a predetermined multiple, thereby generating a rounded-down change amount.”

The Economist (p. 1) shows elements that suggest “rounding down the amount of change due to a predetermined multiple, thereby generating a rounded-down change amount.”

The Economist proposes change rounding determination modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

As per claim 16, Storch in view of Roberts and further in view of The Economist shows the method of claim 13. (See the rejection of claim 13 supra).

Storch lacks an explicit recital of “outputting an offer to exchange a fractional lottery ticket for change due.”

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The Economist (p. 1) shows elements that suggest “outputting an offer to exchange a fractional lottery ticket for change due.”

The Economist proposes outputting offer modifications that would have applied to the system and method of Storch. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of The Economist with the system and method of Storch because such combination would have provided means for “determining a monetary value. . . .” (See The Economist (p. 1)).

Claim 17 is rejected for substantially the same reasons as claim 13.

Claim 18 is rejected for substantially the same reasons as claim 14.

Claim 19 is rejected for substantially the same reasons as claim 15.

Claim 20 is rejected for substantially the same reasons as claim 16.

Claim 21 is rejected for substantially the same reasons as claim 16.

As per claim 21, Official Notice is taken that both the concept and the advantages of “receiving a ticket identifier that identifies a ticket and a portion identifier that identifies an allocated portion of the ticket; determining a prize value of the ticket; and

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determining a portion of the prize value based on the allocated portion of the ticket. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “receiving a ticket identifier that identifies a ticket and a portion identifier that identifies an allocated portion of the ticket; determining a prize value of the ticket; and determining a portion of the prize value based on the allocated portion of the ticket. . . .” because such identifiers would have provided means for “[sending] . . . ticket completion information necessary to provide a completed lottery ticket. . . .” (See Roberts (col. 6, ll. 54-55)).

Claim 22 is rejected for the same reasons as claim 21.

Claim 23 is rejected for the same reasons as claim 22.

Claim 24 is rejected for the same reasons as claim 23.

As per claim 25, Official Notice is taken that both the concept and the advantages of “maintaining a supply of tickets, each ticket having an unallocated portion thereof; acquiring an additional ticket. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “maintaining a supply of tickets, each ticket having an unallocated portion thereof; acquiring an additional ticket. . . .”

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because such supplies would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)).

As per claim 26, Official Notice is taken that both the concept and the advantages of “counting a number of tickets having an unallocated portion that is above a first predetermined threshold; and acquiring an additional ticket if the number of tickets having an unallocated portion that is above the first predetermined threshold is below a second predetermined threshold. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “counting a number of tickets having an unallocated portion that is above a first predetermined threshold; and acquiring an additional ticket if the number of tickets having an unallocated portion that is above the first predetermined threshold is below a second predetermined threshold. . . .” because such counting would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)).

Claim 27 is rejected for the same reasons as claim 26.

As per claim 28, Official Notice is taken that both the concept and the advantages of “acquiring a predetermined number of additional tickets. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “acquiring a predetermined number of additional tickets. . . .” because such acquiring

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would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)).

As per claim 29, Official Notice is taken that both the concept and the advantages of “calculating a sum of the unallocated portions of the tickets. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “calculating a sum of the unallocated portions of the tickets. . . .” because such calculating would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)).

Claim 31 is rejected for the same reasons as claim 25.

Claim 32 is rejected for the same reasons as claim 26.

Claim 33 is rejected for the same reasons as claim 26.

Claim 34 is rejected for the same reasons as claim 28.

Claim 35 is rejected for the same reasons as claim 29.

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As per claim 30, Official Notice is taken that both the concept and the advantages of “acquiring an additional ticket if the calculated sum is below a predetermined threshold. . . .” were well known and expected in the art at the time of the invention. It would have been obvious to include “acquiring an additional ticket if the calculated sum is below a predetermined threshold. . . .” because such acquiring would have provided means for “dispensing completed lottery tickets from a vending machine.” (See Roberts (col. 62 ll. 59-60)).

Claim 36 is rejected for the same reasons as claim 30.

CONCLUSION

4. Any response to this action should be mailed to:

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Any response to this action may be sent via facsimile to either:

(703) 308-6165 or 305-6606 or 308-6296 (for formal communications marked

EXPEDITED PROCEDURE), or

(703) 308-5397 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist

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Crystal Park II
2121 Crystal Drive
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young



Patent Examiner

September 24, 2001



ERIC W. STAMBER
PRIMARY EXAMINER